

EXHIBIT A

EXHIBIT A

STATE OF NEW YORK
SUPREME COURT :: COUNTY OF ORELANDS

NICHOLAS A. LONG
2997 Brown Road
Albion NY 14411

SUMMONS

Plaintiff

Vs

COUNTY OF ORLEANS
Courthouse Square
Albion NY 14411

ORLEANS COUNTY SHERIFF'S DEPARTMENT
13925 NY Route 31 #400
Albion NY 14411

SHERIFF RANDY BOWER
In His Official Capacity
13925 NY Route 31 #400
Albion NY 14411

INDEX NO. 18-44801

UNDERSHERIFF CHRISTOPHER M. BOURKE,
In His Official Capacity
13925 NY Route 31 #400
Albion NY 14411

Defendants

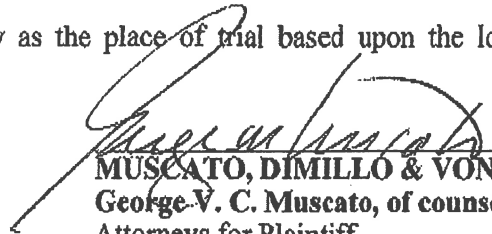
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CLERK OF COURT
ALBION, NY

To the above-named Defendants:

YOU ARE HEREBY SUMMONED to serve a notice of appearance on the plaintiff's attorney within twenty (20) days after service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or within thirty (30) days after completion of service, where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the notice set forth below.

Plaintiff designates Orleans County as the place of trial based upon the location of the subject of action.

Dated: September 25 2018


MUSCATO, DIMILLO & VONA, L.L.P.
George V. C. Muscato, of counsel
Attorneys for Plaintiff
107 East Avenue
Lockport, New York 14094
(716) 434-9177

STATE OF NEW YORK: COUNTY OF ORLEANS
SUPREME COURT

NICHOLAS A. LONG

Plaintiff

COMPLAINT

-vs.-

COUNTY OF ORLEANS

ORLEANS COUNTY SHERIFF'S OFFICE

SHERIFF RANDY BOWER and

UNDERSHERIFF CHRISTOPHER M. BOURKE,
In Their Official Capacity

INDEX NO. 18-44801

Defendants

The Plaintiff, NICHOLAS A. LONG, by his attorney, GEORGE V. C. MUSCATO, ESQ., for his Complaint against the Defendants, COUNTY OF ORLEANS, ORLEANS COUNTY SHERIFF'S OFFICE, SHERIFF RANDY BOWER and UNDERSHERIFF CHRISTOPHER M. BOURKE, In Their Official Capacity, alleges the following:

1. The Plaintiff is a resident of 2997 Brown Road, Town of Albion, County of Orleans and State of New York 14411.
2. The Defendant, County of Orleans is a municipal corporation duly organized and existing under laws of the State of New York.
3. That Defendant, Sheriff Randy Bower is the duly elected Sheriff of the County of Orleans.
4. That Defendant, Undersheriff Christopher M. Bourke, is the Undersheriff in the County of Orleans Sheriff's Department and an employee thereof.

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ORLEANS COUNTY
NEW YORK

5. That the Sheriff's Department is located in the Public Safety Building at 13925 Route 31 in the Town of Albion, Orleans County, New York.

6. On June 20, 2017, Plaintiff Long went to the Orleans County Sheriff's Department to follow-up on a complaint filed against another Orleans County Investigator.

7. On said date, Plaintiff engaged in a conversation with Defendant Sheriff Bower.

8. That during this conversation the Defendant-Sheriff demanded that the Plaintiff leave the building.

9. That as Plaintiff was leaving the Public Safety Building, Defendant Undersheriff Bourke proceeded after Plaintiff, physically throwing Plaintiff to the ground; placing his knee in his back, twisting his arms behind his back; applying handcuffs and placing Plaintiff under arrest for disorderly conduct, resisting arrest, and government obstruction of justice.

10. Plaintiff was taken into custody and was released after his arraignment.

11. The charges against the Plaintiff were subsequently dismissed.

12. Plaintiff duly filed a Supplemental Notice of Claim on August 6, 2018, pursuant to Court Order dated July 20, 2018, and filed in the Orleans County Clerk's Office on the 1st day of August, 2018.

13. That a General Municipal Law §50h hearing of the Plaintiff was conducted on August 15 and August 21, 2018.

14. That more than 30 days have elapsed since such service of Supplemental Notice of Claim and payment thereof has been refused.

**AS AND FOR A FIRST CAUSE OF ACTION AGAINST
THE COUNTY OF ORLEANS AND DEFENDANT BOURKE**

15. The Plaintiff repeats and realleges the facts and allegations as contained in Paragraphs 1 through 14.

16. The acts of the Defendant, UNDERSHERIFF BOURKE, constituted an assault upon the Plaintiff causing injury to the Plaintiff.

17. The actions of the Defendant, UNDERSHERIFF BOURKE, were intentional, reckless and unwarranted and without any just cause or provocation.

18. As a result of the acts of Defendant, UNDERSHERIFF BOURKE, the Plaintiff became and remains sick, sore, lame and disabled, sustained serious injuries was incapacitated from attending to his usual duties and sustained loss of enjoyment of his life.

19. The injuries sustained by Plaintiff were caused solely by the reason of the conduct of Defendant, and Plaintiff did not contribute thereto.

**AS AND FOR A SECOND CAUSE OF ACTION AGAINST
THE COUNTY OF ORLEANS AND DEFENDANTS BOWER & BOURKE**

20. The Plaintiff repeats and realleges the facts and allegations as contained in Paragraphs 1 through 19.

21. The Defendants, BOWER AND BOURKE, conduct resulted in the false imprisonment of the Plaintiff.

22. The Plaintiff was handcuffed and confined until his arraignment.

23. The Plaintiff was aware of his confinement which result in substantial physical and emotional and mental suffering and loss of enjoyment of life.

**AS AND FOR A THIRD CAUSE OF ACTION AGAINST
THE COUNTY OF ORLEANS AND DEFENDANTS BOWER & BOURKE**

24. The Plaintiff repeats and realleges the facts and allegations as contained in Paragraphs 1 through 23.

25. The Defendants, COUNTY OF ORLEANS, ORLEANS COUNTY SHERIFF'S OFFICE, SHERIFF RANDY BOWER and UNDERSHERIFF CHRISTOPHER M. BOURKE,

In Their Official Capacity conduct result in the negligent infliction of emotional distress upon Plaintiff.

26. In assaulting and falsely imprisoning Plaintiff, the Defendants' conduct resulted in traumatic event, which caused Plaintiff to fear for his safety.

**AS AND FOR A FOURTH CAUSE OF ACTION AGAINST
THE COUNTY OF ORLEANS AND DEFENDANTS BOWER & BOURKE**

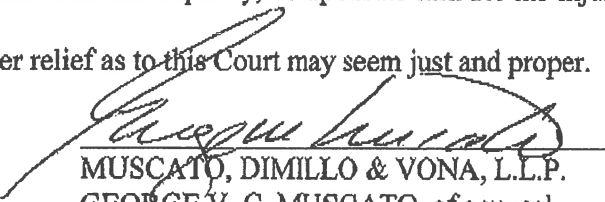
27. The Plaintiff repeats and realleges the facts and allegations as contained in Paragraphs 1 through 26.

28. In engaging in the conduct described by assaulting and falsely imprisoning the Plaintiff, Defendants deprived Plaintiff of his civil rights pursuant to 42 USCA 1983, which Defendants acted under the color of law.

29. The aforesaid misuse of authority was egregious causing the Plaintiff humiliation and indignities.

30. As a result of the foregoing, Plaintiff has sustained general and special damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, Plaintiff requests that Defendants COUNTY OF ORLEANS, ORLEANS COUNTY SHERIFF'S OFFICE, SHERIFF RANDY BOWER and UNDERSHERIFF CHRISTOPHER M. BOURKE, In Their Official Capacity, compensate him for his injuries and expenses; and for such other and further relief as to this Court may seem just and proper.



MUSCATO, DIMILLO & VONA, L.L.P.
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Attorneys for Plaintiff
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Lockport NY 14094
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